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4 **UNITED STATES DISTRICT COURT**

5 EASTERN DISTRICT OF CALIFORNIA

6
7 **TERRENCE JESSE MOORE,**

8 **Plaintiff,**

9 **v.**

10 **CALDERON, *et al.*,**

11 **Defendants.**

Case No. 1:20-cv-00397-DAD-BAM (PC)

Appeal No. 21-15849

**ORDER REGARDING *IN FORMA PAUPERIS*
STATUS ON APPEAL**

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13 Plaintiff Terrence Jesse Moore (“Plaintiff”) is a state prisoner who proceeded *pro se* and
14 *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

15 On April 20, 2021, the Court dismissed this action due to Plaintiff’s failure to state a
16 cognizable claim for relief. (ECF No. 19.) Judgment was entered accordingly the same date.
17 (ECF No. 20.) On May 11, 2021, Plaintiff filed a notice of appeal. (ECF No. 21.)

18 On May 14, 2021, the Ninth Circuit Court of Appeals referred the matter back to this
19 Court for the limited purpose of determining whether *in forma pauperis* status should continue for
20 the appeal. 28 U.S.C. § 1915(a)(3). The Court finds that this appeal is not taken in bad faith and
21 is not frivolous. Accordingly, *in forma pauperis* status should not be revoked and should
22 continue on appeal.
23 **IT IS SO ORDERED.**

24 Dated: **May 17, 2021**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE